

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

DAVID HENEGAR,

Plaintiff

v.

GEORGIA CORRECTIONAL HEALTH, LLC,
AUGUSTA UNIVERSITY,
AUGUSTA UNIVERSITY HEALTH,
AUGUSTA UNIVERSITY MEDICAL CENTER,
INC., BILL NICHOLS, SHARON LEWIS,
CINDY MCDADE, CHARLES BURKE,
SHERIE L. LEE, NURSE MELTON,
UNKNOWN MEDICAL PROVIDERS,
WARDEN PAMELA BALLINGER, LIEUTENANT
STROH, SERGEANT KEITH, UNKNOWN
CORRECTIONAL OFFICERS, CORNERSTONE
MEDICAL CENTER, CHI MEMORIAL,
JOHN OWENSBY, CARRIE PRITCHETT,
MEGAN ARTHUR, and the STATE OF GEORGIA,

Defendants.

Civil Action No.

4:18-cv-192-HLM

ANSWER

COMES NOW CHI Memorial through its attorney and answers Plaintiff's
Complaint as follows:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim for which relief can be granted.

SECOND DEFENSE

Defendant CHI Memorial neither owns nor operated the hospital formerly known as Cornerstone at the time Plaintiff was a patient; therefore, CHI Memorial can have no liability for the allegations complained of in Plaintiff's Complaint.

THIRD DEFENSE

Defendant hereby answers the numerated paragraphs of Plaintiff's Complaint as follows:

1. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of Plaintiff's Complaint.

2. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of Plaintiff's Complaint.

3. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of Plaintiff's Complaint.

4. Paragraph 4 of Plaintiff's Complaint is admitted.

5. Paragraph 5 of Plaintiff's Complaint is admitted.

6. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of Plaintiff's Complaint.

7. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of Plaintiff's Complaint.

11. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of Plaintiff's Complaint.

12. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of Plaintiff's Complaint.

13. The allegations contained in Paragraph 13 of Plaintiff's Complaint are denied.

14. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of Plaintiff's Complaint.

15. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of Plaintiff's Complaint.

16. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of Plaintiff's Complaint.

17. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of Plaintiff's Complaint.

18. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of Plaintiff's Complaint.

20. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of Plaintiff's Complaint.

21. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of Plaintiff's Complaint.

22. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of Plaintiff's Complaint.

23. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of Plaintiff's Complaint.

24. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of Plaintiff's Complaint.

25. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of Plaintiff's Complaint.

26. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 26 of Plaintiff's Complaint.

27. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 27 of Plaintiff's Complaint.

28. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 28 of Plaintiff's Complaint.

29. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 29 of Plaintiff's Complaint.

30. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 30 of Plaintiff's Complaint.

31. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 31 of Plaintiff's Complaint.

32. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 32 of Plaintiff's Complaint.

33. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of Plaintiff's

Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 33 of Plaintiff's Complaint.

34. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 34 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 34 of Plaintiff's Complaint.

35. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 35 of Plaintiff's Complaint.

36. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 36 of Plaintiff's Complaint.

37. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 37 of Plaintiff's Complaint.

38. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 38 of Plaintiff's Complaint.

39. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 39 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 39 of Plaintiff's Complaint.

40. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 40 of Plaintiff's Complaint.

41. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 41 of Plaintiff's Complaint.

42. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of Plaintiff's

Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 42 of Plaintiff's Complaint.

43. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 43 of Plaintiff's Complaint.

44. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 44 of Plaintiff's Complaint.

45. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 45 of Plaintiff's Complaint.

46. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 46 of Plaintiff's Complaint.

47. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 47 of Plaintiff's Complaint.

48. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 48 of Plaintiff's Complaint.

49. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 49 of Plaintiff's Complaint.

50. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 50 of Plaintiff's Complaint.

51. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of Plaintiff's

Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 51 of Plaintiff's Complaint.

52. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 52 of Plaintiff's Complaint.

53. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 53 of Plaintiff's Complaint.

54. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 54 of Plaintiff's Complaint.

55. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 55 of Plaintiff's Complaint.

56. The allegations contained in Paragraph 56 of Plaintiff's Complaint are denied.

57. The allegations contained in Paragraph 57 of Plaintiff's Complaint are denied.

58. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 58 of Plaintiff's Complaint.

59. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 59 of Plaintiff's Complaint.

60. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 of Plaintiff's Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 60 of Plaintiff's Complaint.

61. Defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of Plaintiff's

Complaint. Defendant denies all allegations or inferences of negligence contained in Paragraph 61 of Plaintiff's Complaint.

62. Defendant hereby incorporates each and every previous paragraph as if fully set out herein.

63. The allegations contained in Paragraph 63 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 63 of Plaintiff's Complaint are denied.

64. The allegations contained in Paragraph 64 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 64 of Plaintiff's Complaint are denied.

65. The allegations contained in Paragraph 65 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 65 of Plaintiff's Complaint are denied.

66. The allegations contained in Paragraph 66 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant.

To the extent any response is required, the allegations contained in Paragraph 66 of Plaintiff's Complaint are denied.

67. The allegations contained in Paragraph 67 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 67 of Plaintiff's Complaint are denied.

68. The allegations contained in Paragraph 68 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 68 of Plaintiff's Complaint are denied.

69. The allegations contained in Paragraph 69 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 69 of Plaintiff's Complaint are denied.

70. The allegations contained in Paragraph 70 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 70 of Plaintiff's Complaint are denied.

71. The allegations contained in Paragraph 71 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 71 of Plaintiff's Complaint are denied.

72. The allegations contained in Paragraph 72 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 72 of Plaintiff's Complaint are denied.

73. The allegations contained in Paragraph 73 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 73 of Plaintiff's Complaint are denied.

74. The allegations contained in Paragraph 74 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 74 of Plaintiff's Complaint are denied.

75. The allegations contained in Paragraph 75 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant.

To the extent any response is required, the allegations contained in Paragraph 75 of Plaintiff's Complaint are denied.

76. The allegations contained in Paragraph 76 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 76 of Plaintiff's Complaint are denied.

77. The allegations contained in Paragraph 77 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 77 of Plaintiff's Complaint are denied.

78. The allegations contained in Paragraph 78 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 78 of Plaintiff's Complaint are denied.

79. The allegations contained in Paragraph 79 of Plaintiff's Complaint are directed to other Defendants and do not require a response from this Defendant. To the extent any response is required, the allegations contained in Paragraph 79 of Plaintiff's Complaint are denied.

80. Defendant hereby incorporates each and every previous paragraph as if fully set out herein.

81. Paragraph 81 of Plaintiff's Complaint is directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 81 of Plaintiff's Complaint is denied.

82. Paragraph 82 of Plaintiff's Complaint is directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 82 of Plaintiff's Complaint is denied.

83. Paragraph 83 of Plaintiff's Complaint is directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 83 of Plaintiff's Complaint is denied.

84. Paragraph 84 of Plaintiff's Complaint is directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 84 of Plaintiff's Complaint is denied.

85. Paragraph 85 of Plaintiff's Complaint is directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 85 of Plaintiff's Complaint is denied.

86. Paragraph 86 of Plaintiff's Complaint is directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 86 of Plaintiff's Complaint is denied.

87. Defendant hereby incorporates each and every previous paragraph as if fully set out herein.

88. Paragraph 88 of Plaintiff's Complaint is directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 88 of Plaintiff's Complaint is denied.

89. Paragraph 89 of Plaintiff's Complaint is directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 89 of Plaintiff's Complaint is denied.

90. Paragraph 90 of Plaintiff's Complaint is directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 901 of Plaintiff's Complaint is denied.

91. Paragraph 91 of Plaintiff's Complaint is directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 91 of Plaintiff's Complaint is denied.

92. Defendant hereby incorporates each and every previous paragraph as if fully set out herein.

93. Paragraph 93 of Plaintiff's Complaint is directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 93 of Plaintiff's Complaint is denied.

94. Defendant CHI Memorial denies holding itself out in its individual capacity by its various agents, servants and/or employees as possessing the requisite ability, skill, or expertise providing competent medical care and treatment in accordance with the applicable and prevailing standards of care when Mr. Henegar was a patient at the hospital formerly known as Cornerstone. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 94 of Plaintiff's Complaint.

95. The allegations contained in Paragraph 95 of Plaintiff's Complaint are directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 95 of Plaintiff's Complaint is denied.

96. The allegations contained in Paragraph 96 of Plaintiff's Complaint are directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 96 of Plaintiff's Complaint is denied.

97. The allegations contained in Paragraph 97 of Plaintiff's Complaint are directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 97 of Plaintiff's Complaint is denied.

98. The allegations contained in Paragraph 98 of Plaintiff's Complaint are denied.

99. The allegations contained in Paragraph 99 of Plaintiff's Complaint are directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, Paragraph 99 of Plaintiff's Complaint is denied.

100. The allegations contained in Paragraph 100 of Plaintiff's Complaint are directed to other Defendants and does not require a response from this Defendant. To the extent a response is required, the allegations contained in Paragraph 100 of Plaintiff's Complaint are denied.

101. The allegations contained in Paragraph 101 of Plaintiff's Complaint are denied.

102. The allegations contained in Paragraph 102 of Plaintiff's Complaint are denied.

103. Defendant hereby incorporates each and every previous paragraph as if fully set out herein.

104. The allegations contained in Paragraph 104 of Plaintiff's Complaint are directed toward other Defendants and do not require a response from this Defendant. To the extent a response is required, the allegations contained in Paragraph 104 of Plaintiff's Complaint are denied.

105. The allegations contained in Paragraph 105 of Plaintiff's Complaint are directed toward other Defendants and do not require a response from this Defendant. To the extent a response is required, the allegations contained in Paragraph 105 of Plaintiff's Complaint are denied.

106. Defendant hereby incorporates each preceding paragraph of its Answer as if fully set out herein.

107. The allegations contained in Paragraph 107 of Plaintiff's Complaint are directed toward other Defendants and do not require a response from this Defendant. To the extent a response is required, the allegations contained in Paragraph 107 of Plaintiff's Complaint are denied.

108. The allegations contained in Paragraph 108 of Plaintiff's Complaint are directed toward other Defendants and do not require a response from this

Defendant. To the extent a response is required, the allegations contained in Paragraph 108 of Plaintiff's Complaint are denied.

109. The allegations contained in Paragraph 109 of Plaintiff's Complaint are directed toward other Defendants and do not require a response from this Defendant. To the extent a response is required, the allegations contained in Paragraph 109 of Plaintiff's Complaint are denied.

110. The allegations contained in Paragraph 110 of Plaintiff's Complaint are directed toward other Defendants and do not require a response from this Defendant. To the extent a response is required, the allegations contained in Paragraph 110 of Plaintiff's Complaint are denied.

111. Any and all paragraphs or allegations in Plaintiff's Complaint not expressly admitted are hereby denied.

112. Plaintiff's Complaint lacks a prayer for relief and thus no relief can be granted.

JURY DEMAND

Defendant CHI Memorial hereby demands a trial by jury pursuant to Fed. R.Civ.P. 38(b) on all issues so triable.

This 22nd day of October, 2018.

Respectfully Submitted,

SPEARS, MOORE, REBMAN & WILLIAMS, P.C.

BY: /S/Cara E. Weiner

Cara E. Weiner (Ga. Bar No. 173008)

Attorney for CHI Memorial

P. O. Box 1749

Chattanooga, Tennessee 37401-1749

Telephone: 423/756-7000

Facsimile: 423/756-4801

CERTIFICATE OF SERVICE

I certify that I have this day served the foregoing pleading with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing of the following attorneys of record:

Zack Greenamyre
Mitchell & Shapiro, LLP

Arthur Loevy
Mike Kanovitz
Rachel Brady
Loevy & Loevy

Matt Coles
Aaron P.M. Tady
Coles Barton, LLP

Tracy Marie Morgan
Weathington McGrew, P.C.

Laura L. Lones
Senior Assistant Attorney General

This 22nd day of October, 2018.

SPEARS, MOORE, REBMAN & WILLIAMS, P.C.

BY: /s/Cara E. Weiner
Cara E. Weiner (Ga. Bar No. 173008)
Attorney for CHI Memorial